

Memorandum



Date: January 20, 2005

To: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

From: George M. Burgess
County Manager

Agenda Item No. 7(C)(1)(A)

Subject: Miami Sunset, Inc. application for a transfer of Passenger Motor Carrier Certificate of Transportation No. 103

RECOMMENDATION

It is recommended that the Board approve the transfer of all the issued and outstanding shares of capital stock of Miami Sunset, Inc., holder of Passenger Motor Carrier Certificate of Transportation No. 103, to its new President, Jose Susbielles.

BACKGROUND

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the passenger motor carrier industry in Miami-Dade County under Chapter 31 of the Code of Miami-Dade County.

Section 31-103 (m) of the Code provides the procedures to be followed by Miami-Dade County in processing transfer applications. No certificate may be sold, assigned or transferred to another until the proposed sale, assignment, or transfer has been approved by the County Commission. The Transportation Committee and Board of County Commissioners, in considering the proposed transfer of ownership or control of the certificate, shall determine, upon evidence submitted by the parties or any other party or person affected by the proposed transfer, whether or not said transfer is contrary to the public interest. The Commission may approve said transfer or refuse to approve said transfer upon such terms and conditions or may reasonably alter, restrict or modify the terms and provisions of such transfer where the same may best serve the public interest.

ANALYSIS

Miami Sunset, Inc., formerly Lomantours and Travel Service, Inc., has filed an application to transfer all of the issued and outstanding shares of capital stock of the corporation to its new President, Jose Susbielles. The Code requires that such transfers be approved by the Board. PMC No. 103, originally issued on July 21, 1992, to Lomantours and Travel Service, Inc., authorizes special operations service. Miami Sunset, Inc., located at 251 N.E. 27 Street, Miami, Florida, 33137, seeks to continue providing this class of service.

The company is required to adhere to the terms of the resolution, which approved the initial certificate (R-863-92, attached). Miami Sunset, Inc., will continue transporting resident and tourist groups to and from various locations throughout Miami-Dade County.

Transportation will be pre-arranged on a 24-hour minimum basis. These services will be provided seven days a week, 24 hours a day, using chauffeur driven vehicles with a seating capacity of nine or

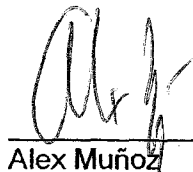
more, but less than 28 passengers, excluding the driver. The proposed rates are listed on the attached rate schedule.

The management plan submitted by Jose Susbielles, President of Miami Sunset, Inc., includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation reveals no criminal conviction for the applicant or any corporate officers within five years of the date of the application.

As required by the Code, the applicant has provided disclosure of the terms and conditions regarding the transfer of the certificate. A Stock Purchase Agreement between Aldo Lomanto, former President of Miami Sunset, Inc., and Jose Susbielles, pursuant to which Mr. Susbielles acquired all the issued and outstanding shares of capital stock of Miami Sunset, Inc., for a total price of five thousand dollars (\$5,000.00), which includes the price of the PMC Certificate of Transportation.

In accordance with Section 31-103 (e) of the Code, a 20-day notice of application was provided to all affected municipalities within Miami-Dade County, all passenger motor carrier certificate holders and interested parties. No protests were filed.

Attachments



Alex Muñoz
Assistant County Manager

ARTICLE III. PASSENGER MOTOR
CARRIERS*

Sec. 31-101. Transportation policy.

To assure the development and maintenance of a safe, healthy and efficient passenger transportation system for Miami-Dade County, the Commission, County Manager and County staff, in carrying out the duties and responsibilities prescribed in this article, shall consider the following as being in the public interest:

- (1) Reliance on market forces and on actual and potential competition among all transportation modes, so as to provide transportation services at competitive prices.
- (2) Coordination of regulatory decision-making with the transportation improvement plan, and the orderly development of an integrated transportation/transit system for Miami-Dade County so as to ensure the development and maintenance of a transportation/transit system responsive to the needs of the public, in which regulatory decisions are reached fairly and expeditiously, and with consideration of their costs and benefits.
- (3) Improvement of motor vehicle safety.
- (4) Achievement of County, national and State energy conservation goals.
- (5) Reduced concentration of market power, and prevention of unfair, deceptive, predatory or anticompetitive practices.
- (6) Reduction of restrictive regulatory barriers to entry into the industry and promotion of equal opportunities.
- (7) Promotion of the safety and welfare of the residents and visitors of Miami-Dade County who use the services of passenger motor carriers to meet their transportation needs.

*Editor's note—Ord. No. 81-17, adopted Feb. 17, 1981, did not specify manner of codification; therefore, inclusion of §§ 2-16 as Art. III, §§ 31-101—31-115, has been at the editor's discretion.

Our Fleet

Latest models of Lincoln Limousines, Sedans, Van and Buses fully equipped, neatly detailed and perfectly maintained for outstanding road performance.



Sedan and Limousine Services

	Sedans 3 Pax	Stretch 6 Pax	Super-Stretch 9 Pax
Miami or Miami Beach	60	75	90
Homestead	70	90	105
South Broward (Fort Lauderdale Airport or Port)	70	90	105
North Broward (Sunrise Blvd and up to Pompano)	85	100	120
Boca Raton	95	130	155
Palm Beach	120	150	180
Key Largo	135	160	190
Naples	150	225	300
Fort Myers	275	325	375
Key West	350	395	425
Orlando	400	500	600
Tampa	450	525	650
Hourly rate after one way transfer or minimum 3 hours	45	65	75
Special full day maximum 10 hours	400	500	600
Tips to driver 20% of service			

Van Services

	1-6 Pax	7-10 Pax	11-14 Pax
Miami or Miami Beach	50	70	90
Fort Lauderdale	70	90	110
Boca Raton	110	140	140
Palm Beach	150	180	200
Key Largo	130	155	180
Naples	140	165	190
Fort Myers	250	300	350
Key West	350	425	500
Orlando	450	500	575
Tampa	500	570	650
Hourly rate after transfer or minimum 3 hours	40	40	40

Bus Services

	24 Pax	49 Pax	59 Pax
Miami or Miami Beach	190	245	305
Fort Lauderdale	220	305	350
Palm Beach	315	390	420
Key Largo	475	535	585
Naples	670	810	890
Fort Myers	785	880	940
Key West	830	935	995
Orlando	900	1050	1165
Tampa	920	1215	1325
Hourly rate after transfer or minimum 5 hours	75	80	90

Our Drivers

Bilingual and professional trained chauffeurs, knowledgeable of Miami Dade and Broward Counties. Always neatly dressed and alert, with a cell phone at hand for quick response.



Our Facility

Qualified dispatcher and personnel ready to promptly answer questions or to take your reservation.

Our Location

Within minutes away from Miami International Airport, Miami Beach, Port of Miami, Coconut Grove and Coral Gables.

RESOLUTION NO. R-863-92

RESOLUTION APPROVING APPLICATION FOR ONE
CERTIFICATE OF TRANSPORTATION TO LOMAN TOURS
AND TRAVEL SERVICE, INC. TO PROVIDE SERVICE
AS A PASSENGER MOTOR CARRIER

WHEREAS, the Board of County Commissioners has held a public hearing on the application in accordance with Chapter 31 of the Code of Metropolitan Dade County; and

WHEREAS, the Board of County Commissioners has considered the application; the County Manager's Report and recommendation, a copy of which is attached hereto and incorporated herein by reference; and all matters presented at the public hearing, and

WHEREAS, the Board of County Commissioners has determined that the applicant has an adequate management plan, the ability to provide the proposed transportation service, and the public interest will be served by approving the application and issuing the Certificate,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF DADE COUNTY, FLORIDA, that in accordance with Chapter 31 of the Code, a Certificate of Transportation to provide special operations Passenger Motor Carrier Services to a common destination or series of common destinations in Dade County, as recommended by the County Manager, be issued to Loman Tours & Travel Service, Inc.

The foregoing resolution was offered by Commissioner
Alexander Penelas, who moved its adoption, the

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motion was seconded by Commissioner Mary Collins

and upon being put to a vote, the vote was as follows:

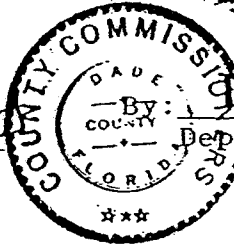
Mary Collins	aye
Charles Dusseau	aye
Joseph M. Gersten	aye
Larry Hawkins	aye
Alexander Penelas	aye
Harvey Ruvin	aye
Arthur E. Teele, Jr.	absent
Sherman S. Winn	absent
Stephen P. Clark	absent

The Mayor thereupon declared the resolution duly passed and adopted this 21st day of July, 1992.

DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

MARSHALL ADER, CLERK

Approved by County Attorney as
to form and legal sufficiency.



RAYMOND REED

Deputy Clerk

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MEMORANDUM

Agenda Item No. 2(hh)

TO:

Honorable Mayor and Members
Board of County Commissioners

DATE:

July 21, 1992

SUBJECT:

Application for
Issuance of a
Certificate of
Transportation

FROM:

Joaquin G. Avino, P.E., P.L.S.
County ManagerRECOMMENDATION:

It is recommended that the Board, at the conclusion of the public hearing, consider the application of Loman Tours and Travel Service, Inc. (d/b/a Loman Tours and Travel Service, Inc.) and approve the certificate as requested.

BACKGROUND:

On February 17, 1981, the Board of County Commissioners adopted Ordinance 81-17, subsequently amended by Ordinance 85-20 on April 16, 1985, which regulates the Passenger Motor Carrier Industry in Dade County under Chapter 31 of the Code of Metropolitan Dade County.

Section 31-103 of the Code provides the procedure to be followed by Metro Dade County in processing certificate applications. Based on these requirements, a public hearing has been scheduled before the Board of County Commissioners. At the conclusion of the public hearing the Board may issue or refuse to issue the certificate or issue it with such modifications or upon such terms and conditions as in its judgment the public interest may require. In reaching its determination, the Board shall consider the application, the County Manager's report and recommendation, all matters presented at the public hearing, and among others, the following criteria:

- (1) That the applicant is fit, willing and able in accordance with the requirements of this section, to provide the transportation to be authorized by the certificate, and is able to comply with this article and regulation of the commission.
- (2) That the transportation to be provided under the requested certificate is consistent with the public interest.
- (3) That the proposed transportation service will improve the quality of transportation available to the public.

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ANALYSIS:

Loman Tours and Travel Service, Inc., d/b/a Loman Tours and Travel Service, Inc., located at 811 Lincoln Road Mall, Miami Beach, Florida 33139, seeks to obtain a Passenger Motor Carrier Certificate of Transportation to provide special operations, prearranged and prepaid transportation to passengers throughout all of Dade County. This class of service is defined as the transportation of persons in a motor vehicle to a common destination or series of common destinations where the person may be charged as an individual or as part of a group, including but not limited to charter, sightseeing, or subscription service, not between fixed terminal or on a regular route. The company seeks to transport tourist groups to various points in Dade County including the airport and seaport. Transportation will be booked by tour operators and will be available on a twenty four hour minimum pre-arranged basis. These services will be provided seven (7) days a week, 24 hours a day, using chauffeur-driven vehicles with a seating capacity of nine (9) or more, but less than 28 passengers, excluding the driver. The proposed fare is listed on the attached rate schedule.

The management plan submitted by the applicant indicates that the business facility includes maintenance, communication, and record keeping systems and meets the requirements of the Code. All required financial statements and credit references have been submitted and the proposed service standards adequately meet passenger transportation and comfort needs. A background investigation revealed no criminal record for the applicant or its corporate officers.

In accordance with Section 31-103(e) of the Code, a 20-day notice of application was provided to all affected municipalities within Dade County, all passenger motor carrier certificate holders, and interested parties. No protests were filed.

This item was reviewed and approved by the Community Affairs Committee on June 8, 1992.

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MIAMI-DADE COUNTY

PUBLIC NOTICE

THE TRANSPORTATION COMMITTEE OF THE BOARD OF COUNTY COMMISSIONERS of Miami-Dade County, Florida will meet on Thursday, October 14, 2004 at approximately 2:00 p.m., in the County Commission Chambers, Second Floor, Stephen P. Clark Center, 111 NW First Street, Miami, Florida to consider:

Resolution approving transfer of all of the issued and outstanding shares of stock of Miami Sunset, Inc., holder of Certificate of Transportation No. 103, to its new President, Jose Susbielles, to provide special operations service.

A person who decided to appeal any decision made by the Transportation Committee of the Board of County Commissioners, with respect to any matter considered at its hearing, will need a record of the proceedings. Such person may need to ensure that a verbatim record of the proceedings is made including the testimony and evidence upon which the appeal is to be based.



MEMORANDUM

(Revised)

TO: Honorable Chairman Joe A. Martinez
and Members, Board of County Commissioners

DATE: January 20, 2005

FROM: Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 7(C)(1)(A)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 7(C)(1)(A)

01-20-05

RESOLUTION NO. _____

RESOLUTION APPROVING TRANSFER OF ALL OF THE
ISSUED AND OUTSTANDING SHARES OF STOCK OF
MIAMI SUNSET, INC., HOLDER OF CERTIFICATE OF
TRANSPORTATION NO. 103, TO ITS NEW
PRESIDENT, JOSE SUSBIELLES

WHEREAS, this Board desires to accomplish the purposes outlined
in the accompanying memorandum, a copy of which is incorporated
herein by reference,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that in accordance with
Chapter 31 of the Code, the Board hereby approves the transfer of all
of the issued and outstanding shares of capital stock of Miami
Sunset, Inc., holder of Certificate of Transportation No. 103, to its
new President, Jose Susbielles, as recommended by the County Manager.

The foregoing resolution was offered by Commissioner
_____, who moved its adoption. The motion was seconded
by Commissioner _____ and upon being put to a
vote, the vote was as follows:

Joe A. Martinez, Chairman	
Dennis C. Moss, Vice-Chairman	
Bruno A. Barreiro	Dr. Barbara Carey-Shuler
Jose "Pepe" Diaz	Carlos A. Gimenez
Sally A. Heyman	Barbara J. Jordan
Dorrin D. Rolle	Natacha Seijas
Katy Sorenson	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared the resolution duly passed and adopted this 20th day of January, 2005. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF COUNTY
COMMISSIONERS

HARVEY RUVIN, CLERK

Approved by County Attorney as
to form and legal sufficiency. GKS

By: _____
Deputy Clerk

Gerald K. Sanchez